

REMARKS

This amendment is submitted in response to the Examiner's Action dated October 13, 2005. Applicants have amended the claims to clarify key features of the invention and overcome the claim objections. No new matter has been added, and the amendments place the claims in better condition for allowance. Applicants respectfully request entry of the amendments to the claims. The discussion/arguments provided below reference the claims in their amended form.

ALLOWABLE SUBJECT MATTER

In the present Office Action, Examiner states that Claims 8, 12, 14-15, 21-22 and 31 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants have amended each of the independent claims to clarify a key feature of the respective claims, which feature makes these independent claims allowable over the cited reference. The amendments to the independent claims places all claims in condition for allowance, and Applicants respectfully request Examiner extend the allowance to include all pending claims.

CLAIM OBJECTIONS "SPECIFICATION"

At numbered paragraph 1 of the present Office Action, claims 2 and 18 are objected to for containing a misspelling. Examiner incorrectly labels the objections as directed to the "specification," although they are directed to the claims. The misspelled word has been corrected within the claims to overcome the present objections. Accordingly, Applicants respectfully request removal of the objection to the above claims.

DOUBLE PATENTING

In the present Office Action, Claims 1-31 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-26 of co-pending Application No. 10/680,977. Applicants submit herewith a terminal disclaimer in compliance with 37 CFR 1.321(c). This filing overcomes the double patenting rejection and places the claims in condition for allowance.

CLAIMS REJECTIONS UNDER 35 U.S.C. § 102

In the present Office Action, Claims 1-7, 9-11, 13, 16-20 and 23-30 are rejected under 35 U.S.C. §102(b) as being unpatentable over *Quinn* (U.S. Publication No. 2002/0137472). *Quinn* does not anticipate Applicants' claimed invention because *Quinn* does not teach each feature recited by Applicants' claims. As amended, Applicants independent claims recite:

when said authentication process verifies that a pairing of said radio and said antenna is authorized, dynamically switching a transmission mode of said device from ISM mode to U-NII mode, which mode enables U-NII communication via said pairing of said antenna and said radio, wherein only a U-NII transmitter meeting an FCC "integral" requirement is enabled within the wireless-ready device having the embedded antenna, and wherein U-NII communication is not enabled if said authentication process does not verify that said pairing is authorized.

(emphasis added). The above feature is not taught (nor suggested) by *Quinn* and thus the above Claims are allowable over *Quinn*.

CONCLUSION

Applicants have diligently responded to the Office Action by amending the claims to overcome claim objections and to clarify a feature recited by the independent claims. Applicants have also filed herewith a terminal disclaimer to overcome the provisional double patenting rejection. The amendments and filing of the terminal disclaimer place the claims in condition for allowance, and Applicants, therefore, respectfully request a Notice of Allowance for all claims now pending.

Applicants further respectfully request the Examiner contact the undersigned attorney of record at 512.343.6116 if such would further or expedite the prosecution of the present Application.

Respectfully submitted,



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